INVESTIGATION REPORT

HANDLING OF EXAMINATION SCRIPTS UNDER MARKING

March 2004

Office of The Ombudsman
Hong Kong

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EXECUTIVE SUMMARY
Investigation Report
Handling of Examination Scripts under Marking

Background

Competition for employment has always been keen in Hong Kong; so, too, for university education. Local students desirous of pursuing further studies or seeking employment need to prove their academic attainment in the Hong Kong Certificate of Education Examination (HKCEE) or Hong Kong Advanced Level Examination (HKALE).

2. The Hong Kong Examinations and Assessment Authority (HKEAA) is an independent statutory body established in 1977 under the Hong Kong Examinations and Assessment Authority Ordinance, Cap. 261. Its primary function is to administer HKCEE and HKALE. Some 150,000 candidates take part in these two examinations each year.

3. We noted media reports on the recurrent loss of examination scripts in the course of marking. As this could adversely affect some young people' future and even undermine public confidence in our examinations system, The Ombudsman decided to conduct a direct investigation under Section 7(1)(a)(ii) of The Ombudsman Ordinance, Cap. 397. The Secretary General of HKEAA welcomed the investigation and pledged full cooperation, for which we are grateful. In a press conference held on 14 November 2003, The Ombudsman declared this direct investigation.

The Investigation

4. This direct investigation examines:

(a) the measures for the safe custody of examination scripts during the marking process;

(b) the adequacy and effectiveness of such measures;

(c) remedial action on loss of scripts;

(d) the appropriateness of such action; and

(e) scope for review and improvement.

Appointment of Markers

5. Some two million scripts have to be marked every year. With the principals not raising objection to their undertaking outside work, HKEAA appoints teachers as markers and pay them for each script or question marked. Such remuneration ranges from $22 for papers lasting one-and-a-half hours to $55 for three-hour papers. Some 5,000 markers are appointed each year and on average, a marker would process some 400 scripts.

6. On appointment, markers are given an instruction guide and a briefing on such details as the collection and checking of scripts, the marking and check marking procedures. However, apart from reminding markers not to mark scripts in

public places, the instructions do not contain any specific guidelines or cautionary advice on the safe custody of scripts.

7. A record of lost scripts will normally not affect the subsequent appointment of the marker. Only when negligence is admitted will the marker be barred from appointment for the following three years.

Checking of Scripts

8. On receipt of the scripts contained in sealed envelopes, markers are required to check the number against the attendance records and report any missing scripts. HKEAA will also conduct another check for any missing scripts.

9. To confirm a loss, the marker concerned is asked to search the location where the marking was conducted. To eliminate mistakes about the attendance record, HKEAA will telephone the candidate concerned to probe for evidence of his/her attendance at the examination.

10. In the last five years, 77 scripts were lost:

Year	No. of missing scripts		
	HKALE	HKCEE	Total
1999	5	7	12
2000	3	18	21
2001	6	16	22
2002	9	8	17
2003	3	2	5
Total	**26**	**51**	**77**

Source: HKEAA

HKEAA's view is that with the collection and transfer of a large volume of scripts, loss of some is inevitable.

Remedial Measures

11. On confirmation of a loss, HKEAA will not inform the candidate but will award an assessed mark. Neither will HKEAA disclose the basis for awarding the assessed mark.

12. To our surprise, HKEAA keeps no proper investigation report on its investigation process and findings. We were, therefore, unable to study how scripts were lost, and what further steps HKEAA took to prevent such loss.

Observations and Opinions

13. It may be true that over the past five years, "only 77" out of ten million scripts were lost, representing an "insignificant" 0.00077%. Statistically, this is an extremely low occurrence rate and may explain HKEAA's view (para. 10) and the lack of any proper investigation reports.

14. However, to individual candidates, the loss of any script is extremely significant. Years of hard work culminates in these public examinations. Accreditation of their academic attainment has far-reaching implications on their future fortune – be it studies or employment. As the loss is through no fault of the candidate, it raises the question whether HKEAA has sufficiently focussed on the rights of candidates to be informed and have a say on possible remedy.

15. HKEAA's lack of transparency (i.e. not informing the affected candidates) is out of step with present-day accountable governance. Some may even see this as an indictment on its dereliction of duty to the candidates. On a broader front, it is a breach of the public faith in HKEAA's administration of the public examinations system in Hong Kong.

Follow-up Action on Loss

16. The loss of even one single script is one too many. We are astounded, and puzzled, why HKEAA does not conduct proper investigation into reported loss and maintain a record on the investigation processes and findings. The total absence of proper investigation to ascertain responsibility from among those concerned and a penalty system to accord with the level of responsibility thus ascertained is incredible. It could encourage dishonesty, or at least evasion, on the part of the markers concerned, by not admitting negligence or revealing in full the circumstances of the loss.

Prevention of Loss

17. Examination scripts are confidential documents and should be handled with utmost care. It is not satisfactory that HKEAA does not have guidelines to markers on prevention of loss or on due caution. Markers are left to their own devices as to what they consider to be the best precautions.

18. On the other hand, it is amazing that markers responsible for the loss should be so casual, so cavalier. Common sense dictates the need to safe keep scripts in their care. Markers are experienced teachers who understand the far-

reaching implications of a lost script and are remunerated for marking, they should not expect to be exonerated simply because HKEAA has not issued reminders or guidelines.

19. In the absence of any reports on the investigation process, we could not identify and analyse how scripts came to be missing or lost. However, HKEAA has outlined the following possibilities:

(a) examination centre supervisors or invigilators may have made a mistake in counting the scripts or recording the attendance. They may not have noticed that a candidate leaving early has taken his/her script out of the centre;

(b) it is not realistic for HKEAA to "mandate" where markers can work. They may mark scripts in school or at home. Scripts may thus be lost in transit; and

(c) some markers may be less conscientious over the need for safe custody of the scripts and may leave them unattended and not properly locked. They can thus be removed by any passer-by or someone with malicious intent.

In addition, we believe that loss may also occur in one of the following processes:

(a) markers still have to handle their students' homework or attend classes during the entire period of marking HKEAA scripts. Scripts may, therefore, be misplaced and mixed up

with their students' day-to-day homework or other teaching materials; and

(b) markers with their myriad duties may have difficulties conducting the necessary thorough search for the missing script or even recalling where and how the script went missing. This may be compounded by HKEAA's generally lax attitude towards such loss and the lack of proper deterrent measures.

Marker Ethics

20. In a case reported by the media, students saw their teacher marking scripts in class. This would constitute dereliction of duty, both to the class and to HKEAA, and via HKEAA to the candidate(s) concerned.

Remedial Measures

21. Candidates affected have a right to be informed of the loss of their scripts and to decide on remedy in view of the impact of the loss on their future, and because of their payment for the marking of their scripts as well as their trust in the system and HKEAA.

22. We appreciate that there are financial and technical difficulties involved in re-examination and recognise that the current arrangements follow international best practices. However, we consider that HKEAA could and should endeavour to overcome these difficulties.

Recent Development

23. At the end of January 2004, HKEAA announced new arrangements of informing candidates of the loss on the day examination results are released. Candidates can then choose between accepting the marks as assessed or rejecting them for a refund of the examination fees. However, HKEAA maintains that there would be no re-examination.

24. We applaud HKEAA's realisation of the need for improvement and commend its initiative in this direction. While this is a start, it is not good enough.

25. The only material difference from the previous practice is *to give candidates a choice*: accepting an assessed mark or receiving a refund of fees. Timing of this "choice", on the day examination results are released, is also too late. Students cannot afford to wrangle with HKEAA as most of them require the examination results on that day to facilitate their enrolment for further studies.

Recommendations

26. The loss of scripts may have far-reaching implications on the candidates' subsequent career, or even life. There is, therefore, no room whatsoever for complacency -- and certainly, no place for negligence or casual approach -- no matter how "insignificant" the percentage of scripts lost.

27. In undertaking this direct investigation, our prime concern is precautions for prevention of loss and provision of equitable treatment for candidates concerned. Accordingly, The Ombudsman makes the following recommendations to

HKEAA:

(a) General

i) both HKEAA and markers, adopt a more responsible and transparent attitude towards loss of scripts.

(b) Follow-up Action on Loss

Investigation

i) maintain a file for each case -- for documentation of the investigation process, for record of all deliberations and any other data;

ii) properly investigate each and every report of loss (requiring from the marker and/or invigilators a full account of the circumstances surrounding the loss), analyse causes for the loss and consider remedial measures; and

iii) arrange for each and every case to be discussed by members of the Authority at a proper forum convened for the purpose of apportioning responsibility, awarding penalties, analysing causes for the loss and determining precautionary measures.

Penalty System

i) devise a system of deterrent and penalty for loss of scripts.

(c) Prevention of Loss

i) include in the instruction guide to markers a firm reminder of the importance of safe custody for scripts and appropriate advice against risk of loss in transit and marking;

ii) circulate extracts of reports on the investigation of loss among markers to promote and enhance their awareness;

iii) appeal for school principals' cooperation in providing markers with safe storage for scripts, say, in the teachers' offices; and

iv) review the invigilation process, in the context of the procedures for collection of scripts from candidates on departure from the examination centre. Strengthen the guidelines for centre supervisors and invigilators in this respect.

(d) Marker Ethics

i) impress upon markers their duty to their classes and candidates.

(e) **Remedial Measures**

i) notify candidates affected soonest possible, on availability of assessed score;

ii) consider offering candidates the option of re-sitting for an examination or accepting the assessed marks. On this, it may be useful for HKEAA to consult such interest groups as parent-teacher associations; and

iii) set up proper mechanism for appeal against remedial measures taken.

Comments from HKEAA

28. HKEAA has indicated that it does recognise the significance of lost scripts and the need for any remedial measures to be fair. It considers that most markers are conscientious and the incidents of lost scripts relatively few. It has agreed that there is a need for the investigation to be more thorough and the processes documented.

29. HKEAA has generally accepted the recommendations. Implementation of some is underway. However, on recommendation 27(e)(ii), it has reiterated that the current arrangements follow international best practices, and is

concerned over the technical difficulties and cost-effectiveness of re-examination.

Final Remarks

30. On recommendation 27(e)(ii), The Ombudsman believes that with HKEAA's established procedures and experience, the technical difficulties can, and should, be overcome. As regards cost-effectiveness, we consider that the interests and rights of the candidates and the public interest in maintaining a fair and credible public examination and assessment system in Hong Kong should not be ignored.

31. In conclusion, The Ombudsman thanks the Chairman, members, Secretary General and staff of HKEAA for assistance throughout this investigation.

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1

INTRODUCTION

BACKGROUND

1.1 Competition for employment has always been keen in Hong Kong; so, too, for university education. Local students desirous of pursuing further studies or seeking employment need to prove their academic attainment in the Hong Kong Certificate of Education Examination (HKCEE) or Hong Kong Advanced Level Examination (HKALE).

1.2 The Hong Kong Examinations and Assessment Authority (HKEAA)[1] is an independent statutory body established in 1977 under the Hong Kong Examinations and Assessment Authority Ordinance, Cap. 261. The Authority has 27 members drawn from various sectors of the community, including principals or teachers from secondary schools, and representatives from tertiary institutions, Government and other professions. HKEAA's primary function is to administer HKCEE and HKALE. Some 150,000 candidates are subject to HKEAA processing in these two examinations each year.

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[1] The Authority was formerly known as the Hong Kong Examinations Authority and renamed in 2002 to reflect an increasing role in conducting assessments.

1.3 We noted media reports on the loss of examination scripts in the course of marking. In 2003, a student took a script from his teacher's desk and sent it to a newspaper as proof that instead of teaching, the teacher was marking scripts in class. The newspaper returned the script to HKEAA, who confessed that losses had recurred year after year. We consider that this could adversely affect some young people's future and even undermine public confidence in our examination system.

1.4 Against this background, this Office initiated preliminary inquiry into the measures for the safe custody of examination scripts during the marking process and HKEAA's remedial action in the event of loss. On 17 October 2003, The Ombudsman informed the Secretary General of HKEAA of her decision to conduct a direct investigation under Section 7(1)(a)(ii) of The Ombudsman Ordinance, Cap. 397. The Secretary General welcomed the investigation and pledged full cooperation, for which we are grateful. In a press conference held on 14 November 2003, The Ombudsman declared this direct investigation.

PURPOSE AND AMBIT

1.5 Our aim is to help HKEAA safeguard the interests of candidates. In this light, the ambit of our investigation includes:

(a) the measures for the safe custody of examination scripts during the marking process;

(b) the adequacy and effectiveness of such measures;

(c) remedial action on loss of scripts;

(d) the appropriateness of such action; and

(e) scope for review and improvement.

METHODOLOGY

1.6 We studied and analysed relevant papers and statistical data from HKEAA. Our investigation officer was in regular discussion with HKEAA representatives throughout the investigation.

1.7 Members of the public were invited to give comments and suggestions from 14 November to 15 December 2003.

INVESTIGATION REPORT

1.8 A draft investigation report was sent on 9 February 2004 to HKEAA for comments and these were received on 20 February 2004. A discussion session with the Chairman, the Deputy Chairman, the Secretary General and top officials of HKEAA was held on 24 February 2004. This

final report was issued on 1 March 2004.

2

MARKING OF SCRIPTS

APPOINTMENT OF MARKERS

2.1 HKCEE and HKALE take place between March and June each year. In recent years, about two million[2] scripts have to be marked. At the end of each year, HKEAA would ask secondary school principals to encourage their most competent teachers to apply to be markers. All serving teachers may also apply direct in response to the Authority's advertisement. HKEAA selects markers according to their academic qualifications, experience in teaching and marking. With the principals not raising objection to their undertaking outside work, HKEAA appoints teachers as markers and pay them for each script or question marked. Such remuneration ranges from $22 for papers lasting one-and-a-half hours to $55 for three-hour papers. On average, a marker would process some 400 scripts.

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[2] Another 500,000 scripts are multiple-answer sheets marked by machine.

2.2 The recruitment statistics in the past five years are:

Year	No. of candidates		No. of markers			
	HKCEE	HKALE	HKCEE		HKALE	
			Applied	Appointed	Applied	Appointed
1999	140 589	34 085	4 269	3 230	1 753	1 502
2000	140 303	35 549	4 899	3 280	1 799	1 526
2001	130 612	36 099	4 524	3 090	1 753	1 532
2002	127 616	36 999	4 497	3 400	1 871	1 600
2003	123 308	36 660	4 648	3 400	1 918	1 567

2.3 On appointment, markers are given an instruction guide containing such details as the collection and checking of scripts, the marking and check marking[3] procedures. Markers are specifically reminded of the importance of not letting students know the marking scheme and the consequence of failing to do so[4]. A meeting is conducted to brief the markers on procedures. However, apart from reminding markers not to mark scripts in public places, the instructions do not contain any specific guidelines or cautionary advice on the safe custody of scripts.

[3] HKEAA conducts random check on marked scripts to ensure compliance with the marking scheme.

[4] Legal action will be taken against breach. In September 1998, a tutorial school was charged and fined $5,000.

2.4 A record of lost scripts will normally not affect the subsequent appointment of the marker. Only when the marker admits negligence and takes full responsibility for the loss will he/she be barred from appointment for the following three years. So far, no marker has lost scripts for a second time; but in 2000, one marker lost seven scripts at one go.

DISTRIBUTION OF SCRIPTS

Distribution

2.5 There are about 600 examination centres. At the end of each examination session, the invigilators will immediately count and place all the scripts in sealed envelopes. Except for some that have to be sorted before marking[5], the sealed envelopes are distributed **intact** to the markers at two collection centres, one on each side of the harbour.

Checking of scripts

2.6 Markers are required to count the scripts received against the computer printouts on the attendance record of candidates in the examination concerned. If they suspect any script to be missing, they have to report to HKEAA immediately. After marking, they will enter the scores on a score sheet and check the number a second time against the attendance records. All

[5] Scripts that have to be sorted before distribution to markers are: (a) subjects where all markers work together in a centre designated by HKEAA; (b) papers marked by more than one marker with each one responsible for part of the questions in the same script.

relevant documents, including reports on missing scripts, if any, will then be returned to HKEAA.

2.7 On receipt of the marked scripts, score sheets and markers' reports on missing scripts, HKEAA will enter the scores into the computer and compare the computer records with the attendance records, to check for any missing scripts.

Confirmation of missing scripts

2.8 When a script is reported missing, the responsible marker is asked to search the location, e.g. his/her school or home, where the marking was conducted. To eliminate the possibility that invigilators might have made a mistake (para. 3.9(a)), HKEAA will telephone the candidate concerned to probe for evidence of his/her actual attendance at the examination. If the candidate confirms attendance at the examination and search for the script proves futile, a loss is confirmed.

2.9 HKEAA does not inform candidates of loss. Nor does it disclose the basis for awarding the assessed mark.

REMEDIAL MEASURES

2.10 On confirmation of loss, HKEAA secretariat will make a submission to the School Examinations and Executive Committee: reporting

the loss and recommending the award to the candidate an assessed mark based on:

(a) the marks obtained by the candidate in the remaining paper(s) of the same subject; or

(b) for a single-paper subject, comparison with the candidate's academic record in school and that of his/her classmates as well as their public examination results in the same subject[6]; or

(c) for a subject examined and marked by two examiners/markers (such as oral examination) the score given by the other examiner/marker.

2.11 These assessment methods have been designed having regard to international best practices and the local norm-reference[7] approach for the comparison of examination results and the award of grades among candidates. Affected candidates are not offered the opportunity to re-sit the examination. HKEAA considers re-examination to be not cost-effective and fraught with insurmountable technical difficulties, such as:

(a) the paper for re-examination may not be of the same

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[6] Thus, no assessment for private candidates can be made by this method.

[7] This approach requires a group of candidates to take the same examination so that results can be compared for the determination of grading among the candidates.

level of difficulty as the original paper; and

(b) the single candidate to be re-examined will not have a "control group" for comparison of results for norm-referencing.

2.12 The first two assessment methods (para. 2.10) are used also to "mark" candidates seriously ill and unable to sit an examination. Such arrangements are detailed in the handbook for candidates. However, the same information is entirely absent in the case of candidates whose scripts are missing.

MISSING SCRIPTS

2.13 In the last five years, 77 scripts were lost involving 71 markers[8] and affecting 77 candidates:

Year	No. of missing scripts		
	HKALE	HKCEE	Total
1999	5	7	12
2000	3	18	21
2001	6	16	22
2002	9	8	17
2003	3	2	5
Total	**26**	**51**	**77**

Source: HKEAA

[8] One marker lost 7 scripts in 2000. All other markers have lost one script each.

HKEAA's view is that with the collection and transfer of the large volume of scripts, loss of some is inevitable.

CASE STUDIES

2.14 We asked for a number of cases to study for a proper understanding of how scripts were lost and how HKEAA followed up on each occasion, in particular the following features:

(a) the marker's report on the circumstances of the loss of script;

(b) the deliberations on determining the assessed mark (especially important for a single-paper subject);

(c) the approach to an affected candidate for information during an investigation; and

(d) the follow-up action vis-à-vis the marker.

However, to our surprise, HKEAA keeps no proper investigation report on its investigation process and findings. We were, therefore, unable to study why scripts were lost, and what further steps HKEAA took to prevent such loss.

3

OBSERVATIONS AND OPINIONS

3.1 With the volume of scripts for HKCEE and HKALE, the logistic arrangements are necessarily complex. Moreover, the administration of public examinations involves numerous professional decisions and technical judgement such as moderating and maintaining a stable level in the degree of difficulty in the examination papers and ensuring a fair marking standard. These are not easy tasks and HKEAA strives to be "a world-renowned examination and assessment services provider"[9].

3.2 It may be true that over the past five years, "only 77" out of ten million scripts were lost, representing an "insignificant" 0.00077%. Statistically, this may be an extremely low occurrence rate and may in part explain HKEAA's view (para. 2.13) and the lack of proper record on cases (para. 2.14).

3.3 However, to individual candidates, the loss of any script at all is

[9] HKEAA vision.

extremely significant. Years of hard work at school culminates in these public examinations. Accreditation of their academic attainment has far-reaching implications on their future fortune – be it studies or employment. As the loss is through no fault of the candidates, it raises the question whether HKEAA has sufficiently focussed on the rights of candidates to be informed and to have a say on possible remedy. It should particularly be noted that candidates have paid to take part in these examinations.

3.4 HKEAA's lack of transparency (i.e. not informing the candidates concerned) is out of step with present-day accountable governance. Some may even see this as an indictment on its dereliction of duty to the candidates. On a broader front, it is a breach of the public faith in HKEAA's administration of the public examinations system in Hong Kong, long reputed to be comparable to international examinations.

FOLLOW-UP ACTION ON LOSS

Investigation

3.5 We are astounded, and puzzled, why HKEAA does not conduct proper investigation into reported loss and maintain a record on the investigation processes and findings. The loss of even one single script is one too many. The investigation of loss should have been, and must be, far more thorough and systematic as well as sympathetic towards the candidates concerned. At the same time, the lack of comprehensive records of the

circumstances of the loss does not help the design of effective preventive measures.

Deterrent and Penalty

3.6 It is inconceivable that HKEAA does not institute firmer deterrent measures against loss. The total absence of proper investigation to ascertain responsibility from among those concerned (para. 3.9) and a penalty system to accord with the level of responsibility thus ascertained is incredible. It could encourage dishonesty, or at least evasion, on the part of the markers by not admitting negligence or revealing in full the circumstances of the loss (para. 2.4): if loss is not through negligence, then we can see few, if any, other reasons. The present approach of penalising only those who are candid in admitting negligence is not fair and cannot instil a proper sense of responsibility among markers to ensure the safe custody of scripts.

PREVENTION OF LOSS

3.7 Examination scripts are confidential documents, by their very nature for handling with utmost care. We note that HKEAA has specifically reminded markers to keep the marking scheme from students but there is no similar reminder for the safekeeping of scripts, an aspect vital to the integrity of the system. Markers, especially those newly appointed, may not be aware of precautions to be taken at each stage of the marking process: e.g. locking up scripts before, after and during the marking process, not leaving scripts

unattended even for a brief moment anywhere including home, using a secure container for scripts in transit. At present, markers are left to their own devices as to what they consider to be the best precautions. It is most unsatisfactory that HKEAA has not taken steps to ensure markers' due vigilance in the handling of examination scripts.

3.8 On the other hand, it is amazing that markers responsible for the loss should be so casual, so cavalier. Common sense dictates the need to safe keep scripts in their care. Being teachers themselves, they should understand the far-reaching implications a loss may have for the students and appreciate the students' feelings in such event. Markers are remunerated for marking, they should not expect to be exonerated simply because HKEAA has not issued reminders or guidelines.

3.9 In the absence of any reports on the investigation process, we could not identify and analyse how scripts came to be missing or lost. However, HKEAA has outlined the following possibilities:

(a) examination centre supervisors or invigilators may have made a mistake in counting the scripts or recording the attendance. They may not have noticed that a candidate leaving early has taken his/her script out of the centre;

(b) it is not realistic for HKEAA to "mandate" where markers can work. They may mark scripts in school or

at home. Scripts may thus be lost in transit; and

(c) some markers may not be sufficiently conscientious over the need for safe custody of the scripts and may leave them unattended and not properly locked. They can thus be removed by any passer-by or someone with malicious intent (as in the case cited in para. 1.3).

In addition, we believe that loss may also occur in one of the following processes:

(a) markers still have to handle their students' homework or attend classes during the entire period of marking HKEAA scripts. Scripts may, therefore, be misplaced and mixed up with their students' day-to-day homework or other teaching materials; and

(b) markers with their myriad duties may have difficulties conducting the necessary thorough search for the missing script or even recalling where and how the script went missing. This may be compounded by HKEAA's generally lax attitude towards such loss and the lack of proper deterrent measures.

MARKER ETHICS

3.10 When scripts are distributed for marking, the school year has not yet closed. In the case reported by the media (para. 1.3), students saw their teacher marking scripts in class. In our view, such would constitute dereliction of duty, both to the class and to HKEAA, and via HKEAA to the candidate(s) concerned.

REMEDIAL MEASURES

3.11 We firmly believe that candidates affected have a right to know of the loss of their scripts and to decide on remedy because:

(a) they have paid for the examination and for marking of the scripts;

(b) they trust the system and HKEAA's proper administration of the examinations; and

(c) their future may be significantly affected.

3.12 We consider it inappropriate for HKEAA to keep the candidates in the dark and resort to the award of assessed marks only. We appreciate the technical difficulties for HKEAA in arranging a re-examination. We understand that the current arrangements follow international best practices

(para. 2.11). On the other hand, the current practice of not informing the candidates and awarding assessed marks practically protects HKEAA against any risk of challenge. This raises questions:

(a) Is it fair to the candidates concerned? For instance, "late developers" who have not done so well in school examinations and therefore worked extra hard for HKCEE and HKALE, does this do justice to their efforts?

(b) Is due consideration given to their rights?

3.13 While HKEAA considers re-examination to be not cost-effective and technically difficult (para. 2.11), we are of the view that with HKEAA's established procedures and vast experience in moderating examination papers and results, it could and should endeavour to overcome these difficulties. It is a case of balancing public interest against that of an innocent candidate whose future may hang on those very examination results.

CONCLUDING COMMENTS

3.14 In undertaking this direct investigation, our prime concern is precautions for prevention of loss and provision of equitable treatment for candidates concerned.

RECENT DEVELOPMENT

3.15 At the end of January 2004, HKEAA announced some new measures. In future, HKEAA will inform candidates of the loss on the day examination results are released. Candidates can choose between accepting the marks as assessed or rejecting them for a refund of the examination fees. HKEAA maintains that there would be no re-examination.

3.16 We applaud HKEAA's realisation of the need for improvement and commend its initiative in this direction. While this is a start, it is not good enough.

3.17 The only material difference from the previous practice is *to give candidates a choice*: accepting an assessed mark or receiving a refund of fees. Timing of this "choice", on the day examination results are released, is too late. Students need their full set of marks on the day to facilitate their enrolment for further studies. They cannot afford to wrangle with HKEAA then.

3.18 In this light, it is Hobson's choice at best.

4

RECOMMENDATIONS

4.1 HKCEE and HKALE results assess an applicant's suitability for employment or further studies. The implications for candidates concerned may be far-reaching on their subsequent career, or even life. There is, therefore, no room whatsoever for complacency -- and certainly, no place for negligence or casual approach -- no matter how "insignificant" the percentage of scripts lost.

4.2 On the basis of our observations in Chapter 3, The Ombudsman makes the following recommendations to HKEAA:

(a) General

i) both HKEAA and markers, adopt a more responsible and transparent attitude towards loss of scripts: paras. 3.1 - 3.4.

(b) Follow-up Action on Loss

Investigation

i) maintain a file for each case -- for documentation of the investigation process, for record of all deliberations and any other data: para. 3.5;

ii) properly investigate each and every report of loss (requiring from the marker and/or invigilators a full account of the circumstances surrounding the loss), analyse causes for the loss and consider remedial measures: paras. 3.5 and 3.9; and

iii) arrange for each and every case to be discussed by members of the Authority at a proper forum convened for the purpose of apportioning responsibility, awarding penalties, analysing causes for the loss and determining precautionary measures.

Penalty System

i) devise a system of deterrent and penalty for loss of scripts: para. 3.6.

(c) Prevention of Loss

i) include in the instruction guide to markers a firm reminder of the importance of safe custody for scripts

and appropriate advice against risk of loss in transit and marking: para 3.7;

ii) circulate extracts of reports on the investigation of loss among markers to promote and enhance their awareness: para. 3.8;

iii) appeal for school principals' cooperation in providing markers with safe storage for scripts, say, in the teachers' offices: para. 3.7; and

iv) review the invigilation process, in the context of the procedures for collection of scripts from candidates on departure from the examination centre. Strengthen the guidelines for centre supervisors and invigilators in this respect: para. 3.9.

(d) Marker Ethics

i) impress upon markers their duty to their classes and candidates: para. 3.10.

(e) Remedial Measures

i) notify candidates affected soonest possible, on availability of assessed score: paras. 3.11, 3.15 and

3.17;

ii) consider offering candidates the option of re-sitting for an examination or accepting the assessed marks: paras. 3.11, 3.12, 3.13 and 3.17. On this, it may be useful for HKEAA to consult such interest groups as parent-teacher associations; and

iii) set up proper mechanism for appeal against remedial measures taken: paras. 3.12 to 3.13.

5

FINAL REMARKS

COMMENTS FROM HKEAA

5.1 We appreciate the frank exchange with the HKEAA leadership, both on paper and in the discussion session on 24 February 2004 (para. 1.8). We have studiously examined HKEAA's comments and incorporated its views and textual amendments, where appropriate.

5.2 HKEAA has indicated that it does recognise the significance of lost or missing scripts and the need for any remedial measures to be fair, not only to the candidates concerned but also to other candidates and the general public. It considers that most markers are conscientious and the incidents of lost scripts relatively few. It has acknowledged the need for more thorough investigation and proper documentation of the process, not just the conclusion.

5.3 HKEAA has generally accepted the recommendations. Implementation of some is underway. However, on recommendation 4.2(e)(ii), it has reiterated the technical difficulties and is concerned over the cost-effectiveness of re-examination.

FINAL REMARKS FROM THE OMBUDSMAN

5.4 The Ombudsman is grateful for HKEAA's cooperation throughout the investigation and the prompt response to our findings.

5.5 On recommendation 4.2(e)(ii), we maintain our belief that HKEAA can overcome the technical difficulties (para. 3.13). As regards cost-effectiveness, we consider that the interests and rights of the candidates and the public interest in maintaining a fair and credible public examinations and assessment system in Hong Kong should not be ignored.

5.6 In conclusion, The Ombudsman thanks the Chairman, members, Secretary General and staff of HKEAA for assistance throughout this investigation.

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Office of The Ombudsman

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